

OUR FILE NO: 108/073/JLC
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DORIS KAUFMAN,

Plaintiff,

-against-

DOCKET NO.
08 CIV 5466

RULE 7.1

D&R TRANSPORTATION, LLC., PS. INC., and
DONALD P. MOORE,

Defendants.

-----X
C O U N S E L O R S :

Pursuant to Rule 7.1 of the Local Civil Rules for the Southern and Eastern Districts of New York and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel of record for ***D&R TRANSPORTATION, LLC, PS, INC., and DONALD P. MOORE***, a private (non-governmental) party certifies that the following are corporate parents, or publicly held corporations that owns 10% or more of its stock:

NONE

Dated: New York, New York
August 4, 2008

LAW OFFICES OF CHARLES J. SIEGEL

Jack L. Cohen

By: _____

JACK L. COHEN ((JLC/9449)
Attorneys for Defendants
D&R TRANSPORTATION, LLC, PS, INC.,
and DONALD P. MOORE
40 Wall Street Plaza – 7th Floor
New York, New York 10005
(212) 440-2335

AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
 } ss.:
COUNTY OF NEW YORK }

PAM SHIWRAM, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Queens, New York, that she is a clerk in the Law Office of CHARLES J. SIEGEL, the attorneys for the Defendants, D&R TRANSPORTATION, LLC, PS, INC., and DONALD P. MOORE herein, that on the 4th day of August, 2008, she served the within:

RULE 7.1

upon:

MYRON G. LASSER, P.C.
Attorneys for Plaintiff
60 Bay Street
Staten Island, New York 10301
(718) 727-8900

the undersigned attorneys by mailing a true copy in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service within New York City, New York directed to them at the addresses shown, heretofore designated by them for that purpose.


PAM SHIWRAM

Sworn to before me this
4th day of August, 2008


NOTARY PUBLIC

MIRIAM SOTO
Notary Public, State of New York
No. 43-4820462
Qualified in Richmond County
Commission Expires Sept. 30, 2010

OUR FILE NO: 108/073: JLC/ps
SUPREME COURT OF THE STATE OF NEW YORK
SOUTHERN DISTRICT OF NEW YORK

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DORIS KAUFMAN,

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-against-

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INDEX NO. 08 CIV 5466

**ANSWER TO
COMPLAINT**

C O U N S E L O R S :

Defendants, D& R TRANSPORT, PS, INC. and DONALD P. MOORE, by and through their attorneys, the LAW OFFICES OF CHARLES J. SIEGEL, answering the Verified Complaint of the plaintiff herein, alleges upon information and belief:

1. Deny any knowledge or information sufficient to form a belief as to Paragraphs designated "FIRST", "SECOND", "THIRD", "FIFTH", "SIXTH", "SEVENTH", "EIGHTH", "NINTH", "TENTH", "ELEVENTH", "TWELFTH", "THIRTEENTH", "FOURTHEENTH", "FIFTEENTH", "SIXTEENTH", "SEVENTEENTH", "EIGHTEENTH", "NINETEENTH", "TWENTIETH", "TWENTY-FIRST", "TWENTY-SECOND", "THIRTIETH", "THIRTY-FIRST", "THIRTY-SIXTH", "THIRTY-SEVENTH", "THIRTY-EIGHTH" and "THIRTY-NINTH" of the Complaint.
2. Admit Paragraphs "FOURTH", "TWENTY-THIRD", "TWENTY-FOURTH", "TWENTY-FIFTH", "TWENTY-SIXTH", "TWENTY-SEVENTH", "TWENTY-EIGHTH" and "TWENTY-NINTH" of the Complaint.
3. EXCEPT WHERE SPECIFICALLY ADMITTED, THE DEFENDANTS, D& I TRANSPORT AND DONALD P. MOORE DENIY ALL OTHER ALLEGATIONS CONTAINED IN THE COMPLAINT.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Upon information and belief, any past or future costs or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care, or rehabilitative services, loss of earnings, or other economic loss, has been or will, with reasonable certainty, be placed or indemnified in whole or in part from collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules. If any damages are recoverable against said defendant, the amount of such damages shall be diminished by the amount of the funds which plaintiff has or shall receive from such collateral source.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. In the event that the plaintiff recovers any judgment against this defendant, then these defendants demand that any such judgment be diminished in accordance with Article 16 of the CPLR and more particularly Section 1601 thereof.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

6. If the plaintiff, DORIS KAUFMAN, sustained damages as alleged, such damages occurred while plaintiff was engaged in an activity into which she entered, knowing the hazard, risk and danger of the activity and she assumed the risks incidental to and attending the activity.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

7. Defendants, D & R TRANSPORTATION, LLC, PS, INC., and DONALD P. MOORE, pursuant to Section 1412 of the CPLR, alleges on information and belief, that if plaintiff sustained any injuries or damages at the time and place alleged in her Complaint, such injuries or damages were the result of the culpable conduct of the plaintiff or because of the plaintiff's negligence and assumption of risk. Should it be found however, that the answering defendant is liable to the plaintiff herein, any liability being specifically denied, then the answering defendant alleges that if any damages are found, they are to be apportioned among the plaintiff and defendants according to the degree of responsibility that each is found to have in the occurrence, in proportion to the entire measure of responsibility for the occurrence.

WHEREFORE, Defendants demand judgment dismissing the complaint herein, together with the costs and disbursements of this action.

Dated: New York, New York
August 4, 2008

Yours, etc.

Law Offices of
CHARLES J. SIEGEL
Attorney for Defendants
D&R Transportation, LLC
PS, INC., and DONALD P. MOORE
Office & P.O. Address
40 Wall Street - 7th Floor
New York, New York 10005
(212) 440-2350

By: _____


JACK L. COHEN (JLC/C9449)

TO: MYRON G. LASSER, P.C.
Attorneys for Plaintiff
60 Bay Street
Staten Island, New York 10301
(718) 727-8900

MR. JOSEPH TANDET (Co-plaintiff)
488 Madison Avenue - Suite 1100
New York, New York 10022
(212) 486-9494

DAVID HOROWITZ, P.C.
Attorneys for Plaintiff (Kaufman)
276 Fifth Avenue
New York, New York 10001
(212) 684-3630

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ANSWER

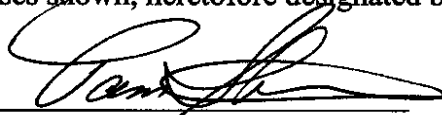
upon:

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Attorneys for Plaintiff
60 Bay Street
Staten Island, New York 10301
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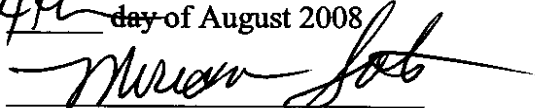
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PAM SHIWRAM

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